

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Beka SOLOMON

Art Unit: 1642

Application No.: 09/441,140

Conf. No. 3910

Examiner: S. Ungar

Filed: November 16, 1999

Washington, D.C.

For: PREVENTION OF PROTEIN AGGREGATION

Atty's Docket: SOLOMON=14

Date: February 23, 2004

THE COMMISSIONER OF PATENTS

2011 South Clark Place, Mail Stop  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:



MAR 01 2004

Transmitted herewith is a [X] Amendment [X] 1<sup>st</sup> Declaration by Beka Solomon with 7 attached articles; 2<sup>nd</sup> Declaration by Beka Solomon, 6 additional articles, and Original Letters Patent of USP 5,688,651

in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[ ] No additional fee is required.

[XX] The fee has been calculated as shown below:

|   | (Col. 1)                                  |       | (Col. 2)                              |  | (Col. 3)                   |
|---|---|-------|---------------------------------------|--|----------------------------|
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR |  | PRESENT<br>EXTRA<br>EQUALS |
| TOTAL                                     | * 29                                      | MINUS | ** 99                                 |  | 0                          |
| INDEP.                                    | * 5                                       | MINUS | *** 26                                |  | 0                          |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |       |                                       |  |                            |

ADDITIONAL FEE TOTAL \$

## SMALL ENTITY

| RATE                    | ADDITIONAL<br>FEE |
|-------------------------|-------------------|
| x 9                     | \$                |
| x 43                    | \$                |
| + 145                   | \$                |
| ADDITIONAL FEE TOTAL \$ |                   |

## OTHER THAN SMALL ENTITY

| RATE         | ADDITIONAL<br>FEE |
|--------------|-------------------|
| x 18         | \$                |
| x 86         | \$                |
| + 290        | \$ 290            |
| TOTAL \$ 290 |                   |

OR

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below.

## Small Entity

## Response Filed Within

- [ ] First - \$ 55.00  
 [ ] Second - \$ 210.00  
 [ ] Third - \$ 475.00  
 [ ] Fourth - \$ 740.00

Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

- [ ] First - \$ 110.00  
 [ ] Second - \$ 420.00  
 [ ] Third - \$ 950.00  
 [ ] Fourth - \$ 1480.00

Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on .

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ .

[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 290.00.

[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By Roger C. Browdy  
 Roger L. Browdy  
 Registration No. 25,618



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SOLOMON=1R

|                            |   |                      |
|----------------------------|---|----------------------|
| In re Application of:      | ) | Conf. No.: 3910      |
| Beka SOLOMON               | ) | Art Unit: 1647       |
| Appln. No.: 09/441,140     | ) | Examiner: C. Nichols |
| Filed: November 16, 1999   | ) | Washington, D.C.     |
| For: PREVENTION OF PROTEIN | ) | February 23, 2004    |
| AGGREGATION                | ) |                      |

AMENDMENT

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Amendment Non-Fee  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

MAR 01 2004

Sir:

In response to the Official action of August 22,  
2003, please amend as follows:

IN THE SPECIFICATION

Please amend the paragraph beginning at column 7,  
line 1, as follows:

In the present invention, the expression vector for  
use as a therapeutic agent comprises a nucleic acid including  
at least one sequence which encodes in expressible form an  
anti-aggregation molecule, which molecule binds to an  
aggregating protein that is the cause of a disease and which  
prevents aggregation but does not interfere with bioactivity.  
In a preferred embodiment the expression vector includes the  
sequence for a human monoclonal antibody that is an anti- $\beta$ -